

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 14

PRINTPACK, INC.

Employer¹

and

DENISE BOWDEN, an Individual

Petitioner

and

TEAMSTERS LOCAL UNION NO. 688, affiliated with INTERNATIONAL BROTHERHOOD OF TEAMSTERS

Union

Case 14-RD-1856

**REGIONAL DIRECTOR'S
DECISION AND DIRECTION OF ELECTION**

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before a hearing officer of the National Labor Relations Board; hereinafter referred to as the Board.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned.

Upon the entire record in this proceeding, the undersigned finds:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are affirmed.
2. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction in this case.²
3. The labor organization involved claims to represent certain employees of the Employer.
4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.
5. The following employees of the Employer constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9(b) of the Act:³

All lab testers, shipping, receiving, finishing warehousemen, material handlers, E/L clean-up/balers, x-mas - summer help, testers; and all other employees engaged in the handling, wrapping, carting, stacking, disposing of, receiving, shipping and making ready for delivery to and from the plant, paper which has been or is to be fabricated, including the handling of wooden plugs to be placed in rolls, emergency messenger and delivery service, general porter work, and other general plant employees employed by the Employer at its Hazelwood, Missouri plant, excluding office clerical and professional employees, guards and supervisors as defined in the Act, and all other employees.⁴

DIRECTION OF ELECTION⁵

The National Labor Relations Board will conduct a secret ballot election among the employees in the unit found appropriate above. The employees will vote whether or not they wish to be represented for purposes of collective bargaining by Teamsters Local Union No. 688, affiliated with International Brotherhood of Teamsters. The date, time, and place of the election will be specified in the notice of election that the Board's Regional Office will issue subsequent to this Decision.

Voting Eligibility

Eligible to vote in the election are those in the unit who were employed during the payroll period immediately prior to the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, in an economic strike, which commenced less than

12 months before the election date, employees engaged in such strike who have retained their status as strikers, but who have been permanently replaced, as well as their replacements, are eligible to vote. Those in the military service of the United States may vote if they appear in person at the polls.

Ineligible to vote are: (1) employees who have quit or been discharged for cause since the designated payroll period; (2) striking employees who have been discharged for cause since the strike began and who have not been rehired or reinstated before the election date; and (3) employees who are engaged in an economic strike that began more than 12 months before the election date and who have been permanently replaced.

Employer to Submit List of Eligible Voters

To ensure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses, which may be used to communicate with them. *Excelsior Underwear, Inc.*, 156 NLRB 1236 (1966); *NLRB v. Wyman-Gordon Company*, 394 U.S. 759 (1969). Accordingly, it is hereby directed that within 7 days of the date of this Decision, the Employer must submit to the Regional Office an election eligibility list, containing the full names and addresses of all the eligible voters. *North Macon Health Care Facility*, 315 NLRB 359, 361 (1994). This list must be of sufficiently large type to be clearly legible. To speed both preliminary checking and the voting process, the names on the list should be alphabetized (overall or by department, etc.). Upon receipt of the list, I will make it available to all parties to the election. To be timely filed, the list must be received in the Regional Office, 1222 Spruce Street, Room 8.302, St. Louis, MO 63103, on or before **January 20, 2006**. No extension of time to file this list will be granted except in extraordinary circumstances, nor will the filing of a request for review affect the requirement to file this list. Failure to comply with this requirement will be grounds for setting aside the election whenever proper objections are filed. The list may be submitted by facsimile transmission at (314) 539-7794 or by electronic mail at Region14@nrlrb.gov. Since the list will be made available to all parties to the election, please furnish a total of **two** copies, unless the list is submitted by facsimile or electronic mail, in which case no copies need be submitted. If you have any questions, please contact the Regional Office.

Notice of Posting Obligations

According to Section 103.20 of the Board's Rules and Regulations, the Employer must post the Notices of Election provided by the Board in areas conspicuous to potential voters for a minimum of 3 days prior to the date of the election. Failure to follow the posting requirement may result in additional litigation if proper objections to the election are filed. Section 103.20(c) requires an employer to notify the Board at least 5 full working days prior to 12:01 a.m. of the day of the election if it has not received copies of the election notice. *Club Demonstration Services*, 317 NLRB 349 (1995). Failure to do so estops employers from filing objections based on nonposting of the election notice.

RIGHT TO REQUEST REVIEW

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, N.W., Washington, D.C. 20570-0001. This request must be received by the Board in Washington by 5 p.m. EST on **January 27, 2006**. This request may not be filed by facsimile.

Dated January 13, 2006
at St. Louis, Missouri

/s/ [Ralph R. Tremain]
Ralph R. Tremain, Regional Director
National Labor Relations Board, Region 14

¹ The Employer's name appears as amended at hearing.

² The Employer, a Georgia corporation with its principal offices located in Atlanta, Georgia, and a plant in Hazelwood, Missouri, the only facility involved, is engaged in the manufacture of flexible packaging.

³ This is the unit currently recognized by the Employer as described by the parties at hearing and in the current collective-bargaining agreement. The currently recognized unit is generally the appropriate unit for decertification. *Mo's West*, 283 NLRB 130 (1989); *T. Grant Company*, 179 NLRB 670 (1969); *Campbell Soup Co.*, 111 NLRB 234 (1955). As no party contends that the currently recognized unit is inappropriate, I find it appropriate.

⁴ I take administrative notice of the decertification petitions filed in Cases 14-RD-1854 and 14-RD-1855. These cases reflect that the Employer employs other employees who are engaged in production, machinist, and maintenance work at the Employer's Hazelwood, Missouri plant and who are represented by other unions. These employees are obviously excluded from the appropriate unit in this case.

⁵ The parties were unable to agree to an election date. At hearing, the parties stipulated that this was the only issue before me. However, the parties are not entitled to litigate this issue; the Board has repeatedly held that issues concerning the mechanics of an election are left to the discretion of the Regional Director. *San Diego Gas & Electric*, 325 NLRB 1143, 1144 (1998); *Halliburton Services*, 265 NLRB 1154 (1982); *Manchester Knitted Fashions, Inc.*, 108 NLRB 1366 (1954). Accordingly, I will not resolve this issue here.